

OCT 13 2006

PTO/SB/25 (09-06)

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REJECTION OVER A PENDING "REFERENCE" APPLICATION**

Docket Number (Optional)

MR653-1432

In re Application of: MATTHEW A. MILLS

Application No.: 10/774,707

Filed: 9 FEBRUARY 2004

For: THERMAL DEVICE

The owner*, MATTHEW A. MILLS, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of any patent granted on pending reference Application Number 10/685,542, filed on 6 JULY 2004, as such term is defined in 35 U.S.C. 154 and 173, and as the term of any patent granted on said reference application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the reference application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

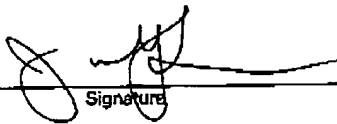
In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of any patent granted on said reference application, "as the term of any patent granted on said reference application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference application," in the event that: any such patent granted on the pending reference application: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

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2. ☒ The undersigned is an attorney or agent of record. Reg. No. 40,262



Signature

12 OCTOBER 2006

Date

JUN Y. LEE

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Telephone Number

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) is included.

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ATTENTION: Examiner A.F. Roane Group Art Unit # 3739

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TRANSMITTING FROM: ROSENBERG, KLEIN & LEE
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OUR DOCKET NO: MR 653-1432 APPLICATION SERIAL NO: 10/774,707

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ADDITIONAL COMMENTS:

FORMAL COMMUNICATION FOR ENTRY

Forwarded is a Transmittal responsive to Office Action dated
22 September 2006 for filing and processing.

Jun Y. Lee
Registration No. 40,262

JYL/tea

MR653-1432
Serial Number: 10/774,707
Reply to 22 September 2006

CERTIFICATE OF FACSIMILE TRANSMISSION

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Jun Y. Lee

MR653-1432

OCT 13 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Matthew A. Mills : Group
Serial No: 10/774,707 : Art Unit #3739
Filed: 9 February 2004 : Examiner:
Title: THERMAL DEVICE : A.F. Roane

TRANSMITTAL OF TERMINAL DISCLAIMER

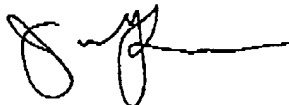
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Sir:

Please enter in the above-referenced Patent Application the Terminal Disclaimer submitted herewith, which makes reference to co-pending Application 10/885,542 filed on 6 July 2004.

The Terminal Disclaimer fee of \$65.00 is due for this filing. The Commissioner for Patents is hereby authorized to charge Deposit Account #18-2011 for such Terminal Disclaimer fee, as well as any additional charges which may be associated with this filing.

Respectfully submitted,
For: ROSENBERG, KLEIN & LEE



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